

# Children, young people and their personal information

**Children and young people are special – a taonga to be nurtured and supported as they complete their journey through to adulthood.**



The children and young people of today will grow to become our leaders, our workforce, our parents and our stewards of the future. Their experiences growing up will shape and foster the adults they will become.

All children and young people in New Zealand navigate their way through an education journey – it is an ever-present part of their development to adulthood and beyond. Teachers, support staff and others working with children and young people in the education sector contribute towards that development in many ways.

A child or young person's information is an intrinsic part of who they are – it represents their past, their present and their future. Misuse of that information can create lasting impacts for a child or young person. Understanding how to protect and respect a child or young person's personal information and implementing good privacy practices will ensure all children and young people in New Zealand have positive privacy experiences throughout their education journey.

## Privacy rights of children and young people

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Domestic and international law together create a framework of privacy protections for children.



## The Privacy Act 2020

[The Privacy Act](#) is the primary law that governs personal information, and it applies to everyone regardless of age.

The Privacy Act requires that you take particular care when collecting personal information from children and young people. It also gives children and young people the same rights as adults to request and correct their information, and authorise collection, use, and disclosure of their information. They can also make a complaint if they believe their privacy has been breached.

Very young children, or children and young people with cognitive disabilities, won't necessarily be able to exercise their privacy rights on their own. In these cases, a representative can support a child or young person to exercise their rights or exercise a child or young person's rights on their behalf.

For most children and young people, their ability to exercise their rights will increase as they grow older. A child or young person's age and their cognitive maturity will be important considerations when collecting, using or sharing a child or young person's information, or managing requests or complaints.

## United Nations Convention on the Rights of a Child

New Zealand is a signatory to the [United Nations Convention on the Rights of a Child](#) (UNCRC).

The UNCRC is an international treaty that outlines the fundamental rights of every child. UNCRC defines children as all persons under the age of 18. The UNCRC recognises children need special protection of their human rights, including their right to privacy, due to their age and stages of development.

There are two key parts of the UNCRC that are relevant to ensuring a child or young person's privacy is protected and respected:

- the best interests of the child consideration, and



- the right to privacy set out in Article 16.

Interpretation of the information privacy principles set out in the Privacy Act 2020 should always be considered with the best interests of the learner in mind.

### Best interests of the Child

The UNCRC contains a general principle (Article 3) that a child has the right to have their best interests assessed and considered as a primary consideration.

What this means in practice is that whenever there is a decision to be made that will affect a child or young person the decision-making process should include an evaluation of the possible impact (both good and bad) of the decision on the child or young person.

The best interests of a child or young person is a dynamic concept - what is in the best interests of the child or young person will depend on the circumstances.

### Right to Privacy

Article 16 of the UNCRC makes it clear that children and young people have the right to privacy, including informational privacy.

### Additional resources

The UN Committee on the Rights of the Child General Comment provides a detailed interpretation of the best interests of a child requirement in the UNCRC. You can access this resource here: [UN General Comment: Best Interests of the Child](#).

